

Message Text

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ACTION L-03

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NSAE-00 PA-02 PRS-01 USIA-15 /040 W
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TO SECSTATE WASHDC 6447

UNCLAS SAN JOSE 0643

E.O. 11652: N/A
TAGS: PGOV, PFOR, CS
SUBJECT: COSTA RICAN JUDGE RULES THAT NO EXTRADITION LAW EXISTS

REF: SAN JOSE 0620

BEGIN SUMMARY: THE RULING BY A COSTA RICAN JUDGE THAT NO EXTRADITION LAW EXISTS HAS BEEN PUBLICLY CHALLENGED BY NATIONAL ASSEMBLY PRESIDENT CARRO AND LEADING OPPOSITION DEPUTY AND PENAL EXPERT RODOLFO PIZA. THE LEGISLATORS CONTEND THE JUDGE INCORRECTLY LINKED THE EXTRADITION LAW WITH THE PENAL CODE. END SUMMARY.

1. PRO GOVERNMENT DAILY "EXCELSIOR" REPORTS NATIONAL ASSEMBLY PRESIDENT ALFONSO CARRO ZUNIGA HAS STRONGLY CHALLENGED THE RULING OF A COSTA RICAN PENAL JUDGE THAT NO VALID EXTRADITION LAW EXISTS. HE CALLED THE RULING THE RESULT OF INSUFFICIENT EXAMINATION OF THE PERTINENT LAWS BY THE JUDGE. ACCORDING TO CARRO, THE 1971 EXTRADITION LAW WAS NEITHER A REFORM OF THE 1941 PENAL CODE NOR AN ADDITION TO IT. THE 1971 LAW IS COMPLETELY SEPARATE FROM THE 1941 PENAL CODE - NO EXPLICIT LINK EXISTS AS ALLEGED BY THE JUDGE - AND WAS SO INTENDED BY ITS DRAFTERS. AS A SPECIFIC LAW, IT COULD NOT BE REPEALED BY A GENERAL LAW WHICH DID NOT REFER TO IT.

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2. OPPOSITION DEPUTY AND LEADING PENALIST RODOLFO PIZA EXCALANTE REPORTEDLY AGREED WITH CARRO THAT THE 1971 AND 1974 EXTRADITION LAWS WERE VALID WHEN THE 1976 LAW WAS PASSED. ACCORDING TO "EXCELSIOR," HE STATED THAT THIS WAS IMMATERIAL, HOWEVER, AS THE 1976 EXTRADITION LAW IS CLEARLY A NEW LAW NOT DEPENDENT ON ITS PREDECESSORS FOR ITS VALIDITY AND COULD NOT BE SAID TO NOT EXIST REGARDLESS OF THE FATE OF

ITS PRECESSORS.

3. THE SPANISH EMBASSY IS APPEALING THE
JUDGE'S RULING TO THE SUPERIOR PENAL COURT.
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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
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Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
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